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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,140	07/03/2003	Peter D. Rail	LEDS.00108	6823

38851 7590 03/21/2007	EXAMINER	
GARDERE/EDS	BLACKWELL, JAMES H	
GARDERE WYNNE SEWELL INTELLECTUAL PROPERTY		
3000 THANKSGIVING TOWER	ART UNIT	PAPER NUMBER
1601 ELM STREET		
DALLAS, TX 75201-4761	2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/613,140	RAIL ET AL.
	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-15 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-15 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to an Amendment filed 01/05/2007.

2.   The priority date is **07/03/2003**.

3.   Claims 1, 3-8, 10-15, 17-47, and 51-53 remain pending.

4.   Claims 1, 8, 15, 22, 28, 34, and 40 are independent claims.

5.   The previous rejection of Claims 1, 3-7, 8, 10-14, 15, 17-21, and 51-53 under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention has been

withdrawn per clarification provided by the Specification and elaboration provided by the

Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 3-5, 7, 8, 10-12, 14, 15, 17-19, 21-47, and 51-53 are rejected under 35

U.S.C. 103(a) as being unpatentable over Tripp et al. ("Tripp"), U.S. Patent No.

6,976,053.

In regard to independent claim 1 (and similarly independent Claims 8, and

15), Tripp discloses:

A method for maintaining a centralized index of documents stored in a plurality of

independent document repositories (see Title and Abstract), *the method comprising:*

➢ *monitoring a networked computing environment for publish events for a first*

published document (see Col. 6, lines 52-67 and Col. 7, lines 1-28: Tripp discloses

monitoring objects (e.g., documents, pages, images) stored on a network (e.g., web

servers) to detect changes in one or more of the objects (i.e., publish events));

➢ *responsive to detecting a publish event, relaying a published document's meta*

data to a document index hub which indexes and categorizes the document's meta data

(...) and wherein the names and configurations of the one or more remote hosts may be

changed without affecting repository settings (see col. 5 lines 46-64 *et seq.* and col. 16

lines 40-59: Tripp discloses a method of constructing a searchable index of object

references to objects (e.g., meta data, URLs) stored on a network (e.g., web site)

including at least one computer storing the index. The other computers on the network

store a plurality of objects and are each designated a source site. The method includes

running on each source site an agent program that processes the contents and the

meta data related to objects stored on the source site, thereby generating meta data

describing the object for each object that is processed. The generated meta data is

transmitted by the agent program on each source site to at least one cataloging site.

The transmitted meta data is then aggregated at the cataloging site (i.e., index) to

generate the catalog of object references.

Furthermore (Col. 12, lines 24-45; → Tripp discloses the situation where an agent

on a remote web site preparing to index the site for transmission to the central indexing

site checks digital signatures of an existing site index on the catalog site with the digital

signature of the site stored locally. If the two do not match, then the agent regenerates

the index of the remote web site and also the catalog site is instructed to delete any

existing catalog entries for the site. Clearly, if this were not the case, then the catalog

site may at the very least contain information that is no longer relevant (e.g., a user

accessing the index might be directed to a non-existent site) and worse the catalog site

might have problems when trying to access a site that no longer exists when attempting

to get an update). In this way, <u>Tripp</u> discloses a means to maintain the stability of the

catalog site such that it does not get disrupted/corrupted when, for example, site names

change or are deleted.

   <u>Tripp</u> fails to explicitly disclose:

   ➤*channels identified by (the document's) meta data wherein the at least one*

channel corresponds to one or more remote hosts ...

   However, the instant application's Specification defines a channel generally as

an abstraction that the Examiner interprets as replacing specific details of the repository

(machine names, directory paths, etc...) with "names" (akin to aliases) that are then

looked up (e.g., lookup table) when the content arrives as the catalog (index) site

(server) to get specific names. If these generic names or channels are used, then they

can be redirected on the cataloging site by changing lookup table entries and the

content providers could continue to use the same "name". This notion is further

suggested in <u>Mullender et al.</u>, "Distributed Systems, 2nd Ed.", Edited by Sape Mullender,

© 1993, ACM Books, pp. 1-16 (Chapter 1), pp. 315-328 (Chapter 12)).

Pg. 2 of Chapter 1 describes, as desirable features of such systems are their ability to handle failure in one of the "distinct" computers in the system. Chapter 12 covers the use of names in Distributed Systems.

This would have suggested to one of ordinary skill in the art at the time of invention that Distributed System such as that described in the instant claims would have likely taken steps, such as the use of channels and how names are handled, thereby rendering such notions as obvious.

Tripp fails to explicitly disclose:

➢ *copying the published document to at least one remote host associated with a channel identified by the meta data wherein the at least one channel corresponds to one or more remote hosts...*

However, within, for example, an intranet or enterprise, copying published documents to a centralized server was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art. One motivation would have been to archive a backup copy. Another would have been to make a published copy available to others at a central location.

Tripp appears to only archive meta data to a central site or references to documents rather than the actual documents; those remaining on the remote web sites.

In regard to dependent Claims 3, 10, and 17, Tripp discloses *mapping a document's meta data to a uniform meta data format* (see Col. 5, lines 46-64 *et seq.*).

In regard to dependent Claims 4, 11, and 18, Tripp discloses that *responsive*

to a determination that the document does not have meta data, creating meta data and

adding the meta data to the document (see col. 7 lines 32-41).

In regard to dependent Claims 5, 12, and 19, Tripp discloses *wherein the*

document is one of a video document, a graphic document, and an audio document

(see col. 7 lines 42-49).

In regard to dependent Claims 7, 14, and 21, Tripp discloses that *responsive*

to a determination that the document belongs to a group of documents, adding a meta

tag indicating that the document belongs to a group of documents and an indication of

the identity of the other documents within the group of documents (see Abstract; col. 5

lines 46-64 *et seq.*; col. 7 lines 42-49).

In regard to independent Claim 22 (and similarly independent Claims 28,

and 34), Claim 22 (and similarly Claims 28, and 34) incorporates similar subject matter

as independent Claim 1 (and similarly independent Claims 8, and 15), and dependent

Claim 3 (and similarly dependent Claims 10, and 17), and is similarly rejected.

In regard to dependent Claims 23, 29, and 35, Tripp discloses *responsive to a*

determination that meta data within the document implies other standardized meta data,

adding the other standardized meta data to the document (i.e., keywords, category,
etc.) (see Abstract and Tables 3 and 4).

In regard to dependent Claims 24, 30, and 36, Tripp discloses *receiving a
search engine request from a client system* (see Abstract), *identifying a matching
document having content and meta data matching the search criteria, and sending a
search result identifying the matching documents* (see Background - col. 1 line 21 to col.
4 line 67 → various search engines).

In regard to dependent Claims 25-27, 31-33, 37-39, and 41-43 Tripp discloses
*a plurality of search engines that incorporate the limitations of said claims including a
single entry search result, hyperlinks, a search request embedded in a web page, etc.*
(see Background - col. 1 line 21 to col. 4 line 67).

In regard to independent Claim 40, Tripp discloses:

➤ Receiving meta data and status information for a document (see Abstract; col.
5 lines 1-36; col. 6 lines 52-67; and col. 7 lines 1-28),

➤ A method of constructing a searchable index of object references to objects
stored on a network including at least one computer storing the index. The other
computers on the network store a plurality of objects and are each designated a source
site. The method includes running on each source site an agent program that
processes the contents and the meta data related to objects stored on the source site,

thereby generating meta data describing the object for each object that is processed. The generated meta data is transmitted by the agent program on each source site to at least one cataloging site (*compare with* "translating meta information for the document to a standardized meta information format").

> The transmitted meta data is then aggregated at the cataloging site (i.e., index) to generate the catalog of object references (see Abstract; col. 5 lines 46-64 *et seq.*; col. 10 lines 5-27) (*compare with* "indexes and categorizes the document's meta data).

Tripp suggests (see Abstract and col. 10 lines 5-27: Tripp discloses wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices), but does not explicitly teach storing a copy of the document based on channel information in at least one remote repository.

However, it was commonly known to those of ordinary skill in the art and would have been obvious at the time the invention was made to a person having ordinary skill in the art to copy the entire published document to at least one remote channel identified by the meta data (see Tripp Background – col. 2 lines 47-59) for the motivational purpose of updating centrally stored data or a central database from remotely stored data on a network.

In regard to dependent Claims 44 and 45, Tripp discloses *writing status information to a log file and errors encountered* (see col. 18 lines 8-27).

In regard to dependent Claim 46, Claim 46 incorporates substantially similar subject matter as claim 23, and is rejected along the same rationale.

In regard to dependent Claim 47, Claim 47 incorporates substantially similar subject matter as independent claim 22, and is rejected along the same rationale.

In regard to dependent Claims 51-53, Tripp discloses *responsive to a determination that the document belongs to a group of related documents, updating the meta data for at least one of the related documents to indicate that the first published document is associated with the group of related documents* (see col. 5 lines 37-45 and col. 10 lines 4 *et seq.*).

7.   Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. ("Tripp"), U.S. Patent No. 6,976,053, in view of Cooney, U.S. Patent Application Publication No. 2002/0107700.

In regard to dependent claims 6, 13, and 20, Tripp discloses a method for creating a computer meta data index corresponding to the contents of networked computers as discussed in independent claim 1 above, but does not explicitly teach *prompting a user to input appropriate meta data.*

However, Cooney discloses prompting a user to input appropriate meta data to a meta-index (see paragraph [0045]). Since both references are from the same field of

endeavor, the motivational purpose of a more efficient means for data searching and retrieval by storing information in a meta-index and enabling users to update the information as disclosed by Cooney would have been recognized in the pertinent art of Tripp. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Tripp with the teachings of Cooney to include prompting a user to input appropriate meta data to a meta-index.

Response to Arguments

8.   Applicant argues that the prior art of Tripp fails to disclose the limitation stating, *"wherein the names and configurations of the one or more remote hosts may be changed without affecting repository settings"*. The Examiner respectfully disagrees to the extent that Tripp generally discloses a Distributed System, and based on what was generally known to those of ordinary skill in the art at the time of invention, as evidenced by Chapters 1, and 12 of S. Mullender et al. (see rejection of independent claims additional comments), Tripp would have been expected to include such features as the use of channels and making sure that such a system was robust enough to handle the removal (or addition) or renaming of a given site that was being indexed by the central index.

Conclusion

9.   Since the additional reference was introduced to provide evidence as to aspects

of the Tripp reference that were previously argued as being generally known and

expected of systems disclosed in the instant application,

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

11.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James H. Blackwell whose telephone number is 571-

272-4089. The examiner can normally be reached on Mon-Fri.

13.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

14.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
03/14/2007

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